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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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Kaushal Kurapati

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PHILIPS INTELLECTUAL PROPERTY & STANDARDS

P.O. BOX 3001

BRIARCLIFF MANOR, NY 10510

EXAMINER

SALCE, JASON P

ART UNIT

PAPER NUMBER

2623

MAIL DATE

DELIVERY MODE

05/15/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 09/736,908	Applicant(s) KURAPATI, KAUSHAL	
	Examiner Jason P. Salce	Art Unit 2623	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 10 January 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-22 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-22 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Arguments

In view of the Appeal Brief filed on 1/10/2007, PROSECUTION IS HEREBY REOPENED. A new grounds of rejection is set forth below.

To avoid abandonment of the application, appellant must exercise one of the following two options:

(1) file a reply under 37 CFR 1.111 (if this Office action is non-final) or a reply under 37 CFR 1.113 (if this Office action is final); or,

(2) initiate a new appeal by filing a notice of appeal under 37 CFR 41.31 followed by an appeal brief under 37 CFR 41.37. The previously paid notice of appeal fee and appeal brief fee can be applied to the new appeal. If, however, the appeal fees set forth in 37 CFR 41.20 have been increased since they were previously paid, then appellant must pay the difference between the increased fees and the amount previously paid.

A Supervisory Patent Examiner (SPE) has approved of reopening prosecution by signing below:


ANDREW Y. KOENIG
PRIMARY PATENT EXAMINER
ACTING SPE-AU 2623

Based on the Appeal Conference on 5/8/2007, the examiner and conferees agreed that Rauch fails to disclose that the adjustment, A, to said recommendation score, R, is not based on a consistency which is a ratio of an item being selected by a user relative to the number of times the item was offered.

However, after further analysis between the examiner and conferees it was concluded that broadly interpreted, Herz discloses the claim limitation "based on a

consistency which is a ratio of an item being selected by a user relative to the number of times the item was offered".

At Column 26, Line 51 through Column 27, Line 6 and further at Column 33, Lines 12-32 the process for passively updating the customer's profile is disclosed. Note that in these sections, an adjustment is calculated everytime a predicted program in the customer's profile is either watched or not watched. This is representative of a ratio by everytime a program is watched, the denominator is 1, for the number of times the program is offered, and the numerator is either 0 or 1, for if the program has been viewed by the viewer or not. Therefore, broadly interpreted, Herz discloses an adjustment, A (using the passive updating of the customer's profile), to said recommendation score, R (the values in the customer profile), based on a consistency which is a ratio of an item being selected by a user relative to the number of times the item was offered.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-22 are rejected under 35 U.S.C. 102(b) as being clearly anticipated by Herz et al. (U.S. Patent No. 5,758,257).

Referring to claim 1, Herz discloses obtaining a list of one or more available items (see Column 24, Lines 66-67 and Column 25, Lines 1-2 for downloading a list of programs and Column 21, Lines 15-29 for a sample content profile).

Herz also discloses obtaining a recommendation score, R, for said one or more available items (see Column 25, Lines 7-15 for the set-top box containing preference data in a customer profile and Column 20, Lines 55-65 for a sample customer profile, which provides more than one recommendation score).

Herz also discloses calculating, using a processor of the recommending device (see Figure 11), an adjustment, A, to said recommendation score, R (one of the scores in the user's customer profile), based on a consistency with which an item was selected by a user relative to the number of times the item was offered (see Figure 3 and Column 26, Lines 51-60 for adjusting the customer profile using a passive monitoring feature (see description below)). Also note Column 14, Lines 4-7, Column 30, Lines 48-67 and Column 31, Lines 1-14 for how the calculated adjustment is made by passive updating of the customer profile. Note that the passive updating of the customer profile consists of adjusting a customer profile to predict the movies he or she watched (see Column 31, Lines 6-8), therefore the adjustment (values in updated customer profile) calculated for the recommendation scores (values in initial customer profile) is based on the consistency with which an item was selected by a user relative to the number of times the item was offered (user selected the movie for viewing (see Column 33, Lines 18-20)), wherein the number of times the item was offered and the number of times the

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item was selected by the user are stored in memory (see Figure 11 and Column 25, Lines 16-48).

Herz further that this adjustment is further based on a ratio (see Column 26, Line 51 through Column 27, Line 6 and further at Column 33, Lines 12-32 the process for passively updating the customer's profile that teach an adjustment is calculated everytime a predicted program in the customer's profile is either watched or not watched. This is representative of a ratio by everytime a program is watched, the denominator is 1, for the number of times the program is offered, and the numerator is either 0 or 1, for if the program has been viewed by the viewer or not. Therefore, broadly interpreted, Herz discloses an adjustment, A (using the passive updating of the customer's profile), to said recommendation score, R (the values in the customer profile), based on a consistency which is a ratio of an item being selected by a user relative to the number of times the item was offered.

Herz also discloses generating, using said processor (see again Figure 11) a combined recommendation score, C, based on said recommendation score, R, and said adjustment, A (see Column 27, Lines 4-6 for recalculating the agreement matrix once the customer profile is adjusted).

Herz also discloses displaying a list on a display unit (see Figure 11), wherein said items are displayed in order based on a value of said combined recommendation score C (see Column 50, Lines 7-10).

Referring to claim 2, Herz discloses that the list of one or more items are programs obtained from an electronic program guide (see Column 24, Lines 66-67 and Column 25, Lines 1-2 for the content profile containing electronic program guide information).

Referring to claim 3, Herz discloses that recommendation score, R, is provided by an explicit program recommender (see Column 12, Lines 11-18 for the user explicitly defining a user profile).

Referring to claim 4, Herz discloses that recommendation score, R, is provided by an implicit program recommender (see Column 11, Lines 63-66 for implicitly (based on what the user watches) defining a user profile).

Referring to claim 5, Herz discloses that the recommendation score, R, is defined as a weighted average of individual ratings of program features (see Column 13, Lines 45-49 for providing a customer profile using the average weights of other customers in order to provide a weighted average value in a customer profile). Note that the average weights are only provided for the case where a profile is implicitly defined, therefore the individual (each customer's) ratings of program features (location, demographics, what a customer watches) are averaged with other customers to provide the customer profile (which holds multiple recommendation scores) (see Column 11, Lines 26-29 and Lines 65-66).

Referring to claim 6, Herz discloses presenting the combined recommendation score, C, for each of said one or more programs to a user (see Column 45, Lines 50-55 for displaying a user's customer profile and the ability to modify the customer profile if needed). Also note Column 45, Lines 56-67 and Column 46, Lines 1-18 for further discussion of the user interfaced used to view and modify a customer profile (recommendation scores) and agreement matrix values (combined scores).

Referring to claim 7, Herz discloses that the adjustment to said recommendation score, R, does not exceed a predefined value (see Column 19, Lines 53-63 for the variable ac (level of agreement between two profiles) calculated in the agreement matrix will not exceed 1). The examiner notes that 1 is the highest level of agreement when calculating the agreement matrix, therefore the adjusted values cannot exceed the predetermined value of 1 (see Column 21, Lines 35-63 for calculating the adjustment, A, to recommendation scores, R, and the combined scores, C, and that all of the calculated values do not exceed 1).

Referring to claims 8-9, see the rejection of claim 1.

Referring to claim 10, see the rejection of claim 2.

Referring to claim 11, see the rejection of claim 1 and note that Herz discloses a memory for storing computer readable code and a processor operatively coupled to the memory (see elements 1006 and 1012 in Figure 10).

Referring to claims 12-17, see the rejection of claims 2-7, respectively.

Referring to claims 18-19, see the rejection of claim 11.

Referring to claim 20, see the rejection of claim 12.

Referring to claims 21-22, see the rejection of claim 11.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jason P. Salce whose telephone number is (571) 272-7301. The examiner can normally be reached on M-F 9am-6pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Miller can be reached on (571) 272-7353. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Jason P Salce
Primary Examiner
Art Unit 2623

May 9, 2007



JASON SALCE
PRIMARY PATENT EXAMINER